IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

WP(C).No. 32536 of 2007(W)

PETITIONER:

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1. T.M.ASHIA BEEVI, W/O. KOYAKUTTY,
   AGED 54 YEARS, ASSISTANT REGISTRAR,
   DISTRICT KHADI & VILLAGE INDUSTRIES OFFICE,
   ALAPPUZHA-1.

2. P.RADHAKRISHNAN NAIR, S/O. LATE
   PARAMESWARAN PILLAI, AGED 52 YEARS,
   ASSISTANT REGISTRAR, DISTRICT KHADI & VILLAGE
   INDUSTRIES OFFICE, TRIVANDRUM.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
   ITS PRINCIPAL SECRETARY TO GOVERNMENT
   INDUSTRIES DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE KERALA KHADI & VILLAGE INDUSTRIES
   BOARD, REPRESENTED BY ITS SECRETARY AT TRIVANDRUM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN
ADV. SRI. K.P. HARISH, SC FOR R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 32536 of 2007

Dated this the 2nd November, 2007

J U D G M E N T

The petitioners are employed under the 2nd respondent Board as Assistant Registrars. They aspire for promotion to the post of Project Officer. Such promotion is being denied to them on the premise that they had not passed the Account Test (Higher), which is one of the test qualification for promotion to the post. The petitioners have crossed the age of 50 years and claim that they are entitled to exemption under Rule 13-A (b) of K.S. & S.R. The claim was considered and negatived by this Court in Exhibit-P9 judgment. At the same time, this Court reserved the liberty of the petitioners to challenge the Regulation or move the Khadi and Village Industries Board for amendment of the regulations.

2. I heard the learned counsel for the petitioner and the learned Standing Counsel for 2nd respondent Sri. K.P. Harish.

In the circumstances, this writ petition is disposed of directing the 2nd respondent to forward Exhibits P10 and P10(a) series along with remarks to the 1st respondent and the 1st respondent shall take a suitable decision thereon, within two

months of receipt of Exhibits P10 series along with remarks from the 2nd respondent, after hearing the petitioners.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007